INDEFINITE DELIVERY INDEFINITE QUANTITY PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TEXAS FACILITIES COMMISSION AND KLEINFELDER, INC.

TFC CONTRACT NO. 18-104-000

ASSIGNMENT NO. 4

THIS INDEFINITE DELIVERY INDEFINITE QUANTIY ASSIGNMENT NO. 4 (hereinafter referred to as "Assignment No. 4" or "Assignment") is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as "TFC") and Kleinfelder, Inc., located at 1826 Kramer Lane, Suite M, Austin, Texas 78758 (hereinafter referred to as "PSP") (TFC and PSP are hereinafter referred to individually as a "Party" or collectively as "Parties"), to be effective on the Effective Date (as defined below) and the terms and conditions of which are as follows.

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as providing construction materials testing and observation services for the Texas Capitol Complex Phase 1 (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-4," PSP's IDIQ Assignment No. 4 Proposal No. MWTXFACO.001C dated August 14, 2018, attached hereto and incorporated herein for all purposes and consisting of eleven (11) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 4 shall be completed no later than December 31, 2020, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 4.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 4.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 4 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 4 shall not exceed the sum of Ninety-Four Thousand Seven Hundred Four and No/100 Dollars (\$94,704.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the last day of the

previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR: For this Assignment No. 4, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-4."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

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TEXAS FACILITIES COMMISSION

TFC Contract No. 18-104-000 Kleinfelder, Inc. Assignment No. 4 Project No.: 16-108A-8001

ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

KLEINEELDER INC

I DIENO I NOIDITIED COMEMODION	HEEMIT EDDEN, MICI
By: JOHN RAFF C29F7F24A756477	By: Felly Pariel
John S. Raff	Kelly Daniel
Interim Executive Director	Senior Project Manager
Date of execution: 08/21/2018 4:58 PM CDT	Date of execution: 08/21/2018 4:04 PM CDT
NRL G.C.	
<u>uv</u> Dir.	
_MD.E.D.	

EXHIBIT A-4

PSP'S IDIQ ASSIGNMENT NO. 4 PROPOSAL DATED AUGUST 14, 2018

Exhibit A-4

Assignment No. 4



August 14, 2018

Proposal No.: MWTXFACO.001C

Mr. F. Keith Hall, AIA
Senior Project Manager
Texas Facilities Commission
Facilities Design & Construction
1711 San Jacinto Blvd.
Austin, Texas 78701

Subject:

Revisied Construction Materials Testing Proposal

Texas Capitol Complex Phase 1 - Excavation Package - Austin, Texas

TFC Project: #16-018A-8001

Dear Mr. Hall:

Pursuant to your request, Kleinfelder is pleased to submit this proposal for construction materials testing and observation services for the referenced project.

PROJECT INFORMATION

Based on our review of the 100% project plan sheets provided to us, dated 5/25/18, we understand this project includes mass excavation, ground anchoring systems, and shotcrete. Construction schedules have also been reviewed for 1801 Site (Phase A), 1601 site (Phase B), and Congress site (Phase C).

SCOPE OF SERVICES

The following scope of services is based, in part, on available project plans and prior conversations with Mr. Keith Hall with the Texas Facilities Commission (TFC). Kleinfelder will provide limited, on-call testing and observations for the previously mentioned construction elements. Although no schedule was provided for the purpose of this fee estimate, we have assumed a construction timeframe of about 24 months, beginning in July of 2018. This proposal may be further refined, if more information becomes available. We agree to provide a technician to provide limited, on-call construction materials services as detailed below. We do request that your construction representative provide us with a 24-hour notice for scheduling purposes.

Ground Anchor Observation

As the excavation progresses and the excavation walls are stabilized, Kleinfelder will
observe and document the installation of soil nails, rock anchors, and shotcrete at a
frequency of one daily observation (8 hours) per "lift" of excavation.

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August 14, 2018 www.kleinfelder.com

Exhibit A-4

Assignment No. 4

Shotcrete Testing

Perform testing during placement of shotcrete wall coating materials.

- Ambient air and concrete temperature determinations, at point of delivery
- Entrained air content determination (Tex-416-A), at point of delivery
- Slump determination (Tex-415-A), at point of delivery
- Observe contractor personnel placing shotcrete test panels (24" x 24" x 5-1/2" deep) at the rate of one panel per "lift" of excavation. After onsite curing (approximately 20 hours), the test panels will be transported to the laboratory, where they will be cored to produce 4 testable samples (3" diameter x 5-1/2" long)
- Compressive strength determinations of shotcrete cores (Tex-418-A) with one test at 7 days and three tests at 28 days. For purposes of this proposal, we have budgeted 136 core tests (34 sets of 4).

COMPENSATION

While testing is dependent on the construction sequence, weather conditions, the actual testing performed, we estimate a time and materials budget of \$94,704 (total of Phases A-C). Invoicing for this project will reflect the actual quantity of work performed (time and materials) on a portal to portal basis from our Austin office. This amount will not be exceeded without prior approval. The TFC and Kleinfelder may subsequently agree in writing to provide for additional services to be rendered under this agreement for additional, negotiated compensation. Services provided by Kleinfelder will be consistent with the engineering standards prevailing at the time and in the area that the work is performed; no other warranty, express or implied, is intended.

It should be noted that the fees above do not anticipate overtime work on the project. The rates associated with overtime work are at 1.5 times the listed hourly rates in the attached Proposed Fee Schedule/Estimate. Overtime for our services is defined as work on the project by a single person in excess of eight hours per day and all time on weekends and/or night shifts. Overtime work can significantly impact our testing and inspection budget for the project. While we will be diligent in our attempts to keep overtime to a minimum, please be aware that contractor scheduling and performance are the primary causes for overtime work. Proficient contractor performance and scheduling minimizes additional testing and inspection time, consequently resulting in lower total fees. In the event conditions arise which are beyond our control, were unknown at the time this proposal was prepared, unanticipated based on the available information, or differ significantly from the assumptions shown below, we may need to revise our scope of work and estimated fees in order to complete the project. Should this occur, we will contact you for authorization before exceeding the project budget.

Our estimate is provided on a time-and-materials basis. It should be noted that our total fees on the project can fluctuate for a variety of unpredicted reasons beyond our control including weather conditions, the quality and performance of the construction materials used, and the contractor's team, as well as the contractor's approach and scheduling of construction sequences. Jurisdictional requirements not identified at the outset of the project, or other unpredictable events that develop over the course of the project, can contribute to additional unplanned inspection or unanticipated engineering consultation not factored into our estimate.

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August 14, 2018

Exhibit A-4

Assignment No. 4

ASSUMPTIONS

During our proposal preparation certain assumptions were required based on the available information (noted above), the following assumptions apply:

- · Access to the site will be provided by the client.
- Work will be performed during normal business hours, typically between 7AM and 4PM
- Overtime services will not be required (more than eight hours per day, Saturday, Sunday, holidays, etc.)
- We have not included additional time for re-inspection of deficient work and call-out inspection services in which the element requiring inspection is not ready requiring stand-by or show-up with no work inspection/testing service performed.
- Does not include sampling/testing of reinforcing steel, cement, and aggregates for concrete materials.
- This proposal excludes the cost of any equipment (i.e. scaffold, scissor lifts, telescopic booms, ladders, shoring, etc.) to gain access to any area requiring inspection or sampling of materials.
- Kleinfelder will not assume Geotechnical Engineer of Record for the project. We can
 provide these services if requested, upon receiving authorization.
- Does not include testing services for offsite construction including fabrication of structural steel.

LIMITATIONS

Our work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

Materials testing, and observation services provided by Kleinfelder will be performed in accordance with generally accepted procedures practiced within the project area at the time of our services. Even with diligent monitoring, construction defects may occur. In all cases the contractor is solely responsible for the direction and quality of the work, adherence to plans and specifications, and repair of defects regardless of when they are found.

This proposal is valid for a period of 45 days from the issue date. This proposal was prepared specifically for the client and its designated representatives and may not be provided to others without Kleinfelder's express permission.

TERMS OF ENGAGEMENT

These services will be performed in accordance with the existing agreement conctract between the TFC and Kleinfelder (TFC Contract No. 18-104-000). We understand the TFC will provide a task authorization as our notice to proceed. Acceptance of the proposal indicates the TFC's review and understanding of the scope of services.

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August 14, 2018 www.kleinfelder.com

Exhibit A-4

Assignment No. 4

We appreciate the opportunity to provide you with this proposal and look forward to working with you on this project. If you have any questions or wish to discuss, please contact us at 512.926.6650.

Sincerely,

KLEINFELDER, INC.

Texas Registered Engineering Firm F-16438

Kelly Daniel, PG

Client Account Manager

Ezequiel Garcia, PE Project Manager

Attachments:

Proposed Fee Schedule Estimate (Phases A-C)

Basis of Charges

Exhibit A-4

Assignment No. 4

PROPOSED FEE SCHEDULE/ESTIMATE

Texas Facilities Commission

Texas Capitol Complex Excavation Package - Phase A - 1801 Site

7/20/2018

Service Description	Estimated Quantity		<u>Uni</u>	t Price	Estim Total	nated Amount
PROJ. MANAGER, ENGINEERING & ADMIN.						
Senior Engineer	22	hour	S	166.00	5	3.652 00
Lab Manager/Assistant Project Manager	22	hour	Š	79.00	5	1,738.00
Cierical	86	hour	Š	56.00	Š	4,815 00
W Page 1 Tables				Subtotal	S	10,206 00
SOILS TESTING				000,0,0		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Laboratory Testing						
Sample Preparation		each	S	34.00	S	
Alterberg Limits		each	5	79.00	5	-
Percent Passing No 200 Sieve		each	\$	78.00	5	-
Standard Proctor, 4"		each	\$	249.00	\$	•
Moisture Density Determination (113)		each	\$	259.00	\$	-
Field Testing						
Soil Services		hour	\$	56.00	5	•
Soil Services - OT		hour	S	84.00	\$	•
Nuclear Gauge Test		each	5	26.00	\$	•
Sample Pickup Charge		hour	5	56.00	S	
Vehicle Charge (Per Trip)		dit	5	50.00	\$	
				Subtolal:	\$	•
CONCRETE TESTING						
Laboratory Testing						
Shotcrete Core Compression Test	44	each	S	70.00	\$	3,060 00
Shotcrete Sample Panel Coring	11	each	5	400.00	S	4,400.00
Field Testing						
Concrete Services	44	hour	\$	58 00	\$	2,464 00
Concrete Services - OT		hour	5	84.00	\$	•
Slump Test	11	each	5	27.00	\$	297.00
Air Content	11	each	\$	29.00	S	319.00
Pick-up charge	22	pone	S	56.00	\$	1,232.00
Vehicle Charge (Per Trip)	22	trip	\$	50.00	\$	1,100.00
NACES AND STREET CONT. SEC. AT THE WAY - WITH STREET CONT. THE WAY SHOULD SEC.				Sublotal	\$	12,892.00
STRUCTURAL STEEL OBSERVATIONS						
Field Testing - CWI - Certified Welding Inspector		20	_		_	
Steel Services		hour	5	105 00	S	•
Steel Services - OT		hour	S	157,50	\$	•
Vehicle Charge (Per Trip)		trip	\$	50.00	\$	•
				Sublotal	\$	•
SOIL NAIL/ROCK ANCHOR OBSERVATIONS Laboratory Testing						
Field Testing						
Senior Technician	86	hour	5	79.00	\$	6,952 00
Senior Technician - OT		hour	\$	118 50	\$	•
Vehicle Charge (Per Trip)	11	trip	\$	60 00	\$	550 00
				Subtotal:	\$	7,502.00

Total Estimate: \$ 30,600 00

July 20, 2018

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Exhibit A-4

Assignment No. 4

PROPOSED FEE SCHEDULE/ESTIMATE

Texas Facilities Commission
Texas Capitol Complex Excavation Package - Phase A - 1801 Site

7/20/2018

Service Description Estimated Unit Price Estimated Total Amount

As itemized above, the estimated cost of this work is \$30,600.00. This estimate is based on information available to us and represents our best estimate of the time required and number of tests.

Additions or deletions to this workscope, in regards to estimated quantities, will be adjusted based on the established unit prices shown. This total estimate will not be exceeded without prior written approval of the client

Exhibit A-4

Assignment No. 4

PROPOSED FEE SCHEDULE/ESTIMATE

Texas Facilities Commission

Texas Capitol Complex Excavation Package - Phase B - 1601 Site

7/20/2018

Service Description	Estimated Quantity		۷n	it Price	Estim Total /	ated Imount
PROJ. MANAGER, ENGINEERING & ADMIN,						
Senior Engineer	15	hour	S	166.00	5	2,490.00
Lab Manager/Assistant Project Manager	15	hour	5	79.00	S	1,185.00
Clerical	58	hour	\$	56.00	5	3,248.00
				Sublotal:	\$	6,923.00
SOILS TESTING						
Laboratory Testing		W-95502413	-			
Sample Preparation		each	5	34.00	S	•
Atterberg Limits Percent Passing No. 200 Sieve		each	5	79.00	\$	•
Standard Proctor, 4"		each	S	78.00 249 00	\$	•
Moistura Density Determination (113)		each each	5	259.00	Š	
Field Testing		Garu	3	239,00	•	-
Spit Services		hour	S	56.00	S	_
Soit Services - OT		hour	S	84.00	5	
Nuclear Gauge Test		each	S	26.00	Š	22
Sample Pickup Charge		hour	Š	56.00	Š	-
Vehicle Charge (Per Trip)		trio	s	50.00	Š	
Tall and a start of the start o		u.p	•	Subtotal:	_	
CONCRETE TESTING					: 	
Laboratory Testing						
Shotcrete Core Compression Test	44	each	5	70.00	\$	3,080.00
Sholcrete Sample Panel Coring	11	each	5	400 00	\$	4,400.00
Field Testing						
Concrete Services	44	hour	\$	56 00	S	2,464 00
Concrete Services - OT		hour	\$	84 00	\$	
Skump Test	11	each	5	27.00	\$	297 00
Air Content	11	each	S	29 00	\$	319.00
Pick-up charge	22	hour	S	56 00	5	1,232.00
Vehicle Charge (Per Trip)	22	trip	\$	50 00 Subtotel	S	1,100.00
STOLICTURAL STEEL ADSERVATIONS				Subtotal	3	12,892 00
STRUCTURAL STEEL OBSERVATIONS Field Testing - CWI - Certified Welding Inspector						
Steel Services		hour	S	105 00	S	22
Sleel Services - OT		pont	S	157.50	Š	0
Vehicle Charge (Per Trip)		trip	Š	50.00	Š	
Advisor diverse for supply		u ib	*	Subtotel	Š	
SOIL NAIL/ROCK ANCHOR OBSERVATIONS				Guotoru		
Laboratory Testing						
Field Testing						
Senior Technician	88	hour	\$	79 00	\$	6,952 00
Senior Technician - OT		hour	\$	118 50	\$	
Vehicle Charge (Per Trip)	11	trip	\$	50 00	\$	550 00
				Subtotal	5	7,502 00
					_	07.347.00

As itemized above, the estimated cost of this work is \$27,317.00. This estimate is based on information available to us and represents our best estimate of the time required and number of tests.

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July 20, 2018

27,317.00

Total Estimate: \$

Exhibit A-4

Assignment No 4



PROPOSED FEE SCHEDULE/ESTIMATE

Texas Facilities Commission
Texas Capitol Complex Excavation Package - Phase B - 1601 Site

7/20/2018

Service Description

Estimated Quantity

Unit Price

Estimated
Total Amount

Additions or deletions to this workscope, in regards to estimated quantities, will be adjusted based on the established unit prices shown. This total estimate will not be exceeded without prior written approval of the client

PROPOSED FEE SCHEDULE/ESTIMATE Texas Facilities Commission

Texas Capitol Complex Excavation Package - Phase C - Congress Site

7/20/2018

Service Description	Estimated Quantity		<u>Un</u>	it Price	Estin Total	naled Amount
PROJ. MANAGER. ENGINEERING & ADMIN.						
Senior Engineer	31	hour	5	166.00	S	5,148.00
Lab Manager/Assistant Project Manager	31	hour	5	79.00	\$	2,449.00
Clerical	124	hour	5	56.00	\$	5,944.00
				Sublotal:	S	14,539.00
SOILS TESTING						
Laboratory Testing			_	2210 000	_	
Sample Preparation		each	5	34.00	5	-
Atterberg Limits		each	\$	79.00	\$	•
Percent Passing No. 200 Sieve Standard Proctor, 4"		each	\$	78.00 249.00	\$	•
Moisture Density Determination (113)		each	5	259.00 259.00	5	•
Field Testino		Bacri	3	238.00	3	-
Spil Services		hour	5	56.00	S	20
Spil Services - OT		hour	Š	84.00	Š	
Nuclear Gauge Test		each	5	26.00	5	
Sample Pickup Charge		hour	Š	56.00	Š	-
Vehicle Charge (Per Trip)		trip	5	50.00	Š	-
,		,5		Subtotal:	-	-12
CONCRETE TESTING						
Laboratory Teating						
Shotcrete Core Compression Test	48	each	\$	70.00	\$	3,360 00
Shotcrete Sample Panel Coring	12	each	\$	400.00	\$	4,800.00
Field Testing						
Concrete Services	48	hour	5	56.00	5	2,688.00
Concrete Services - OT		hour	5	64.00	\$	-
Slump Test	12	each	\$	27.00	\$	324.00
Air Content	12	each	S	29.00	\$	348.00
Pick-up charge	24	hour	\$	56.00	\$	1,344.00
Vehicle Charge (Per Trip)	24	trip	\$	50.00	S	1,200.00
STRUCTURAL STEEL OBSERVATIONS				Sublotal:	5	14,064.00
Field Testing - CWI - Certified Welding Inspector						
Steel Services		hour	s	105.00	S	
Steel Services - OT		hour	S	157.50	Š	_
Vehicle Charge (Per Trip)		trip	S	50.00	Š	1
verious serial gu (* ar resp)		o.b	•	Subtotal:	-	-
SOIL NAIL/ROCK ANCHOR OBSERVATIONS						
Laboratory Testing						
Field Testing						
Senior Technician	96	hour	5	79.00	\$	7,584.00
Senior Technician - OT		hour	5	118.50	\$	
Vehicle Charge (Per Trip)	12	trip	\$	50.00	\$	600.00
sa vasacisa d ₹a * sice ng * *		1000 (100 T	1270	Subtotal:	S	8,184.00

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Exhibit A-4

Assignment No 4

PROPOSED FEE SCHEDULE/ESTIMATE

Texas Facilities Commission
Texas Capitol Complex Excavation Package - Phase C - Congress Site

7/20/2018

Service Description

Estimated Quantity

Unit Price

Estimated Total Amount

As itemized above, the estimated cost of this work is \$38,787.00. This estimate is based on information available to us and represents our best estimate of the time required and number of tests

Additions or detellans to this workscope, in regards to estimated quantities, will be adjusted based on the established unit prices shown. This total estimate will not be exceeded without prior written approval of the client.

TFC Contract No. 18-104-000

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Exhibit A-4

Assignment No. 4

BASIS OF CHARGES

- Listed herein are typical prices for services most frequently performed by Kleinfelder. Prices for other services provided by the firm or other services not listed will be given upon request, as well as special quotations for programs involving volume work.
- 2. The attached schedule of fees will be valid for one calendar year.

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Page 1 of 1

____Kleinfelder Client

EXHIBIT B-4

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

Exhibit B-4

Assignment No. 4

Capitol Complex Excavation #16-018A-8001 Kleinfelder Inc. LIST OF PSP PROJECT MANAGER AND SUBCONTRACTORS

A. AE Project Manager:	Kelly Daniel Sr. Project Manager 1826 Kramer Lane, Suite M Austin TX 78758 512 491-4627 KDaniel@Kleinfelder.com
B. Subconsultant:	N/A
C. Subconsultant:	N/A